

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: BRIAN J. MCMULLEN (Case No. 11141)**

A hearing was held after due notice on January 28, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the separation requirement between units.

Findings of Fact

The Board found that the Applicant was requesting a variance of 0.2 feet from the 20 feet separation requirement from a deck on Lot 50, a variance of 1.8 feet from the 20 feet separation requirement from a unit on Lot 50, a variance of 2.2 feet from the 20 feet separation requirement from a set of steps on Lot 50, a variance of 1 foot from the 20 feet separation requirement from a unit on Lot 48, a variance of 4.2 feet from the 20 feet separation requirement from a set of steps on Lot 48, a variance of 4.4 feet from the 20 feet separation requirement from a set of steps on Lot 48, a variance of 1 foot from the 20 feet separation requirement from a unit on Lot 48, and a variance of 6 feet from the 20 feet separation requirement from a unit on Lot 55. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located southeast of Road 274 (Old Landing Road) north of Spruce Road, being Lot 49 within Pine Valley a Mobile Home Park; said property being identified as Sussex County Tax Map Parcel Number 3-34-13.00-164.00-Unit 49. After a hearing, the Board made the following findings of fact:

1. Brian McMullen was sworn in and testified on behalf of the Application.
2. The Board found that Mr. McMullen testified that the proposed unit is a three (3) bedroom, single-wide unit.
3. The Board found that Mr. McMullen testified that the unit is to be used for his family.
4. The Board found that Mr. McMullen testified that the lot is narrow and cannot be built in strict conformity with the Sussex County Zoning Ordinance.
5. The Board found that Mr. McMullen testified that the neighboring units are too close to the Property and create the difficulty.
6. The Board found that Mr. McMullen testified that the dwellings on the neighboring lots encroach into the setback area.
7. The Board found that Mr. McMullen testified that the variances will enable reasonable use of the Property.
8. The Board found that Mr. McMullen testified that the variances will not alter the essential character of the neighborhood.
9. The Board found that Mr. McMullen testified that the dwelling is similar to other homes in the neighborhood.
10. The Board found that Mr. McMullen testified that the proposed dwelling is the average size dwelling in the community.
11. The Board found that Mr. McMullen testified that the dwelling on Lot 48 is very close to the property line.
12. The Board found that Mr. McMullen testified that the variances sought are the minimum variances necessary to afford relief.
13. The Board found that Mr. McMullen testified that the neighbors support the Application.
14. The Board found that Mr. McMullen testified that the mobile home park supports the Application.

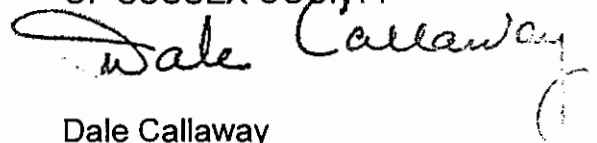
15. The Board found that one (1) party appeared in support of the Application.
16. The Board found that no parties appeared in opposition to the Application.
17. The Board found that the Office of Planning & Zoning received four (4) letters in support of the Application.
18. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique since the neighboring units are so close. The Property cannot be developed in strict conformity with the Sussex County Zoning Code. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant as the neighbors created the problem by building too close to the Property. The variances will not alter the essential character of the neighborhood as this community is a manufactured home community. The variances sought are the minimum variances necessary to afford relief.

The Board approved the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Member voted against the Motion to Approve the Application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



Dale Callaway  
Chairman

If the use is not established within one (1) year from the date below the application becomes void.

Date February 19, 2013